

AMENDED IN ASSEMBLY MARCH 23, 2006

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 409

Introduced by Senator Kehoe
(Principal coauthor: Senator Ducheny)
(Principal coauthor: Assembly Member De La Torre)

February 17, 2005

~~An act to amend Section 65302 of the Government Code, relating to general plans. An act relating to health, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as amended, Kehoe. ~~General plans: conservation element.~~
Emergency health care services: appropriations.

Existing law establishes the State Department of Health Services for the administration and oversight of various health care programs.

Existing law establishes the Emergency Medical Services Authority for the coordination and integration of all state activities concerning emergency medical services.

This bill would appropriate from the General Fund \$5,451,000 to the department and \$1,622,000 for the 2005–06 fiscal year, for specified public health purposes.

~~(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. That law~~

~~requires the plan to include several elements, including a land use element and a conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers, and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. It requires that portion of the conservation element that includes water to be developed in coordination with any countywide water agency and other specified public water agencies.~~

~~This bill would, additionally, require the water supply portion of the conservation element to be prepared, adopted, and correlated with the land use element no later than one year from the date specified for the next revision of the housing element that occurs after January 1, 2007, as specified.~~

~~By increasing the duties of local public officials, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(1) California's ability to respond to public health*
- 4 *emergencies, whether naturally occurring or resulting from*
- 5 *terrorism, requires preparation by both state and local health*
- 6 *jurisdictions.*
- 7 *(2) The State Department of Health Services is the lead state*
- 8 *agency for responding to public health emergencies such as*
- 9 *infectious disease emergencies.*
- 10 *(3) Local health jurisdictions are the points of delivery for*
- 11 *public health services and, in emergencies, provide response*
- 12 *within their capabilities.*
- 13 *(b) It is the intent of the Legislature in enacting this act to*
- 14 *bolster California's preparedness for a public health emergency,*

1 *and its response and recovery efforts in the event of such an*
2 *emergency.*

3 *SEC. 2. (a) There is hereby appropriated four hundred*
4 *ninety-one thousand dollars (\$491,000) from the General Fund*
5 *to the State Department of Health Services for the 2005–06 fiscal*
6 *year to supplement funding provided in Item 4260-001-0001 of*
7 *the Budget Act of 2005 (Ch. 38, Stats. 2005). This amount shall*
8 *be apportioned as follows:*

9 *(1) Seventy-six thousand dollars (\$76,000) to oversee*
10 *management of the antiviral supplies, vaccines, and medical*
11 *supplies that California will need to obtain and distribute during*
12 *a pandemic.*

13 *(2) Four hundred fifteen thousand dollars (\$415,000) to*
14 *provide expanded capacity in the Microbial Diseases Laboratory*
15 *and the Viral and Rickettsial Diseases Laboratory to implement*
16 *new tests to control both old and new infectious diseases, and to*
17 *purchase a portable Raman Infrared Microscopy System and a*
18 *portable Gas Chromatographic/Mass Spectroscopy System for*
19 *the Richmond Campus.*

20 *(b) There is hereby appropriated four million nine hundred*
21 *sixty thousand dollars (\$4,960,000) from the General Fund to the*
22 *State Department of Health Services for the 2005–06 fiscal year*
23 *to supplement funding provided in Item 4260-111-0001 of the*
24 *Budget Act of 2005 (Ch. 38, Stats. 2005). This amount shall be*
25 *apportioned as follows:*

26 *(1) Four hundred sixty thousand dollars (\$460,000) to*
27 *purchase doses of antiviral supplies used in the prevention or*
28 *treatment of influenza.*

29 *(2) Four million five hundred thousand dollars (\$4,500,000) to*
30 *strengthen pandemic influenza planning efforts, conduct*
31 *epidemiologic investigations of infectious and communicable*
32 *disease outbreaks, and provide epidemiologic and statistical*
33 *support as requested.*

34 *(c) There is hereby appropriated one million six hundred*
35 *twenty-two thousand dollars (\$1,622,000) from the General Fund*
36 *to the Emergency Medical Services Authority for the purchase*
37 *and provision of minimum personal protective equipment, in*
38 *accordance with Emergency Medical Services Authority*
39 *guidelines, for ambulance personnel in the state who agree,*
40 *through a contract with the Emergency Medical Services*

1 Authority or the local emergency medical services agency, to
2 participate in state and local disaster response. Recipients of the
3 personal protective equipment shall be required to replace the
4 equipment, as necessary, and to provide necessary, ongoing
5 training on the use of the personal protective equipment. Nothing
6 in this section shall limit the ability of the Emergency Medical
7 Services Authority, or a local emergency medical services
8 agency, to impose additional contract requirements as a
9 condition of receiving this equipment.

10 SEC. 3. In order to rapidly implement pandemic influenza
11 planning and preparedness efforts, contracts or other
12 agreements entered into for pandemic influenza planning or
13 preparedness activities with funds appropriated in this act shall
14 not be subject to Part 2 (commencing with Section 10100) of
15 Division 2 of the Public Contract Code.

16 SECTION 1. ~~Section 65302 of the Government Code is~~
17 ~~amended to read:~~

18 ~~65302. The general plan shall consist of a statement of~~
19 ~~development policies and shall include a diagram or diagrams~~
20 ~~and text setting forth objectives, principles, standards, and plan~~
21 ~~proposals. The plan shall include the following elements:~~

22 ~~(a) A land use element that designates the proposed general~~
23 ~~distribution and general location and extent of the uses of the~~
24 ~~land for housing, business, industry, open space, including~~
25 ~~agriculture, natural resources, recreation, and enjoyment of~~
26 ~~scenic beauty, education, public buildings and grounds, solid and~~
27 ~~liquid waste disposal facilities, and other categories of public and~~
28 ~~private uses of land. The land use element shall include a~~
29 ~~statement of the standards of population density and building~~
30 ~~intensity recommended for the various districts and other~~
31 ~~territory covered by the plan. The land use element shall identify~~
32 ~~areas covered by the plan which are subject to flooding and shall~~
33 ~~be reviewed annually with respect to those areas. The land use~~
34 ~~element shall also do both of the following:~~

35 ~~(1) Designate in a land use category that provides for timber~~
36 ~~production those parcels of real property zoned for timberland~~
37 ~~production pursuant to the California Timberland Productivity~~
38 ~~Act of 1982, Chapter 6.7 (commencing with Section 51100) of~~
39 ~~Part 1 of Division 1 of Title 5.~~

1 ~~(2) Consider the impact of new growth on military readiness~~
2 ~~activities carried out on military bases, installations, and~~
3 ~~operating and training areas, when proposing zoning ordinances~~
4 ~~or designating land uses covered by the general plan for land, or~~
5 ~~other territory adjacent to military facilities, or underlying~~
6 ~~designated military aviation routes and airspace.~~

7 ~~(A) In determining the impact of new growth on military~~
8 ~~readiness activities, information provided by military facilities~~
9 ~~shall be considered. Cities and counties shall address military~~
10 ~~impacts based on information from the military and other~~
11 ~~sources.~~

12 ~~(B) The following definitions govern this paragraph:~~

13 ~~(i) “Military readiness activities” mean all of the following:~~

14 ~~(I) Training, support, and operations that prepare the men and~~
15 ~~women of the military for combat.~~

16 ~~(II) Operation, maintenance, and security of any military~~
17 ~~installation.~~

18 ~~(III) Testing of military equipment, vehicles, weapons, and~~
19 ~~sensors for proper operation or suitability for combat use.~~

20 ~~(ii) “Military installation” means a base, camp, post, station,~~
21 ~~yard, center, homeport facility for any ship, or other activity~~
22 ~~under the jurisdiction of the United States Department of Defense~~
23 ~~as defined in paragraph (1) of subsection (c) of Section 2687 of~~
24 ~~Title 10 of the United States Code.~~

25 ~~(b) A circulation element consisting of the general location~~
26 ~~and extent of existing and proposed major thoroughfares,~~
27 ~~transportation routes, terminals, any military airports and ports,~~
28 ~~and other local public utilities and facilities, all correlated with~~
29 ~~the land use element of the plan.~~

30 ~~(c) A housing element as provided in Article 10.6~~
31 ~~(commencing with Section 65580).~~

32 ~~(d) (1) A conservation element for the conservation,~~
33 ~~development, and utilization of natural resources including water~~
34 ~~and its hydraulic force, forests, soils, rivers and other waters,~~
35 ~~harbors, fisheries, wildlife, minerals, and other natural resources.~~
36 ~~The conservation element shall consider the effect of~~
37 ~~development within the jurisdiction, as described in the land use~~
38 ~~element, on natural resources located on public lands, including~~
39 ~~military installations. That portion of the conservation element~~
40 ~~including waters shall be developed in coordination with any~~

~~1 countywide water agency and with all district and city agencies
2 that have developed, served, controlled, or conserved water for
3 any purpose for the county or city for which the plan is prepared.
4 The water supply portion of the conservation element shall be
5 correlated with the land use element and the correlation shall be
6 prepared and adopted no later than one year from the date
7 specified in Section 65588 for the next revision of the housing
8 element for the jurisdiction that occurs after January 1, 2007.
9 Coordination shall include the discussion and evaluation of any
10 water supply and demand information described in Section
11 65352.5, if that information has been submitted by the water
12 agency to the city or county.~~

~~13 (2) A city or county that has correlated the water supply
14 portion of the conservation element with the land use element of
15 its general plan prior to January 1, 2007, shall be deemed to have
16 complied with the requirements of paragraph (1) if it makes a
17 written finding to this effect.~~

~~18 (3) The conservation element may also cover the following:~~

~~19 (A) The reclamation of land and waters.~~

~~20 (B) Prevention and control of the pollution of streams and
21 other waters.~~

~~22 (C) Regulation of the use of land in stream channels and other
23 areas required for the accomplishment of the conservation plan.~~

~~24 (D) Prevention, control, and correction of the erosion of soils,
25 beaches, and shores.~~

~~26 (E) Protection of watersheds.~~

~~27 (F) The location, quantity and quality of the rock, sand and
28 gravel resources.~~

~~29 (G) Flood control.~~

~~30 (e) An open-space element as provided in Article 10.5
31 (commencing with Section 65560).~~

~~32 (f) A noise element which shall identify and appraise noise
33 problems in the community. The noise element shall recognize
34 the guidelines established by the Office of Noise Control in the
35 State Department of Health Services and shall analyze and
36 quantify, to the extent practicable, as determined by the
37 legislative body, current and projected noise levels for all of the
38 following sources:~~

~~39 (1) Highways and freeways.~~

~~40 (2) Primary arterials and major local streets.~~

~~(3) Passenger and freight on-line railroad operations and ground rapid transit systems.~~

~~(4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.~~

~~(5) Local industrial plants, including, but not limited to, railroad classification yards.~~

~~(6) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.~~

~~Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.~~

~~The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.~~

~~The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.~~

~~(g) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.~~

1 ~~(1) Prior to the periodic review of its general plan and prior to~~
2 ~~preparing or revising its safety element, each city and county~~
3 ~~shall consult the Division of Mines and Geology of the~~
4 ~~Department of Conservation and the Office of Emergency~~
5 ~~Services for the purpose of including information known by and~~
6 ~~available to the department and the office required by this~~
7 ~~subdivision.~~

8 ~~(2) To the extent that a county's safety element is sufficiently~~
9 ~~detailed and contains appropriate policies and programs for~~
10 ~~adoption by a city, a city may adopt that portion of the county's~~
11 ~~safety element that pertains to the city's planning area in~~
12 ~~satisfaction of the requirement imposed by this subdivision.~~

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~a local agency or school district has the authority to levy service~~
16 ~~charges, fees, or assessments sufficient to pay for the program or~~
17 ~~level of service mandated by this act, within the meaning of~~
18 ~~Section 17556 of the Government Code.~~